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MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 30th November 1956

S.R.O. 2884.—The following draft of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1956, which the Central Government propose to make in exercise of the powers conferred by Section 20 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) is hereby published for information of persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 20th December, 1956.

Any objection or suggestion which may be received from any persons with respect to the said draft before the date so specified will be considered by the Central Government.

DRAFT OF THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS RULES, 1956

CHAPTER I—PRELIMINARY |

1. **Short title and extent.**—(1) These rules may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1956.

(2) They extend to the whole of India except the State of Jammu and Kashmir.

2. In these rules, unless the context otherwise requires—

(a) “Act” means the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955;

(b) “appointed officer” means the officer appointed by a newspaper establishment to sanction leave to working journalists employed in that establishment;

(c) “authorised medical practitioner” means a registered medical practitioner designated as such under rule 23;

(d) “average pay” shall have the meaning assigned to it in the Industrial Disputes Act, 1947 (14 of 1947);

(e) “family” means—

- (i) wife, in the case of a male working journalist;
- (ii) husband, in the case of a female working journalist;
- (iii) sons;
- (iv) daughters;

- (v) brothers and sisters;
- (vi) father; and
- (vii) mother.
- (f) "form" means a form appended to these rules;
- (g) "leave" includes earned leave, leave on medical certificate, extra-ordinary leave, leave not due, casual leave, study leave and quarantine leave;
- (h) "earned leave" means leave admissible under clause (a) of section 7 of the Act;
- (i) "leave on medical certificate" means leave admissible under clause (b) of section 7 of the Act;
- (j) "leave not due" means leave which is not due to a working journalist but which may be granted to him in anticipation of its being earned subsequently;
- (k) "quarantine leave" means leave of absence from duty by reason of the presence of an infectious disease in the family or household of a working journalist;
- (l) "study leave" means leave granted to a working journalist to enable him to study any problems or to undergo any special course of instructions which may be of use to him in his journalistic career; and
- (m) "shift": 'day shift' means the shift when any hours of working of the shift do not fall between the hours of 11 P.M. and 5 A.M.; 'night shift' means the shift when any hours of work fall between the hours of 11 P.M. and 5 A.M.

CHAPTER II—GRATUITY

3. Payment of gratuity.—Gratuity shall be payable to a working journalist or as the case may be, to his heirs—

(a) if he has been in continuous service (permanent, temporary or on probation), whether before or after the commencement of the Act, for not less than three years; and

(b) who on or after the commencement of the Act—

- (i) retires from service on reaching the age of superannuation; or
- (ii) voluntarily resigns; or
- (iii) whose services are terminated by the employer for any reason otherwise than as a measure of punishment inflicted by way of disciplinary action.

4. Gratuity due to a deceased working journalist to whom payable.—On the death of a working journalist while he is in service in a newspaper establishment, or where gratuity has become payable, before payment has been made—

(a) if a nomination made by a working journalist in accordance with rule 5 subsists, the gratuity shall become payable to his nominee or nominees in accordance with such nomination; or

(b) if no nomination subsists or if that nomination relates only to a part of the gratuity, the amount of the gratuity or the part thereof to which the nomination does not relate, as the case may be, shall become payable to the members of his family in equal shares.

5. Nomination.—(1) A working journalist shall, as soon as he completes three years of continuous service, or in the case of those who have completed three years of continuous service at the commencement of this Act, as soon as may be after these rules come into force, make a nomination in form A conferring the right to receive any gratuity payable under the Act, in the event of his death before the amount has become payable or, where the amount has become payable, before the payment has been made.

(2) A working journalist may, in his nomination, distribute the amount that may become due to him amongst his nominees at his own discretion.

(3) If a working journalist has a family at the time of making a nomination, the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such working journalist in favour of a person not belonging to his family shall be invalid.

(4) If at the time of making a nomination, a working journalist has no family, the nomination may be in favour of any person or persons, but if he subsequently acquires a family, such nomination shall forthwith be deemed to be invalid and the working journalist shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub-rule (1) or a fresh nomination made under sub-rule (4), as the case may be, may at any time be modified by the working journalist after giving a written notice of his intention to do so in form B. If the nominee predeceases the working journalist, the interest of the nominee shall revert to the working journalist who may make a fresh nomination in accordance with those rules.

(6) A nomination or its modification shall take effect, to the extent it is valid, on the date on which it is received by the newspaper establishment.

6 Deductions from gratuity.—Gratuity will be subject to deduction on account of overpayments made to a working journalist by the newspaper establishment or monies borrowed by the working journalist from the newspaper establishment or both.

CHAPTER III

7 Chapter III not to apply to certain categories of working journalists.—The provisions of this Chapter shall not apply to an editor or to such other working journalist who does not normally work within the premises of a newspaper establishment.

8 Normal working day.—The number of hours which shall constitute a normal working day for a working journalist exclusive of the time for meals shall not exceed six hours per day in the case of day shift and five-and-half hours per day in the case of night shift and no working journalist shall ordinarily be required or allowed to work for longer than the number of hours constituting a normal working day. For purpose of calculating the hours of work under section 6 of the Act five-and-half hours of work in the case of night shift shall be deemed to be equivalent to six hours of work in the case of day shift.

9 Interval for rest.—Subject to such agreement as may be mutually reached between a newspaper establishment and working journalists employed in that establishment, the periods of work for working journalists shall be so fixed that no working journalist shall work for more than four hours in the case of day shift and three hours in the case of night shift before he had had an interval of rest, in the case of day shift for not less than one hour, and in the case of night shift for not less than half an hour.

10 Compensation for overtime work.—When a working journalist works for more than six hours on any day in the case of day shift and more than five-and-half hours in the case of night shift he shall, in respect of such hours of overtime work, be allowed compensatory hours of recess equal in number to the hours for which he has worked overtime.

11 Conditions governing night shifts.—No working journalist shall be employed on the night shift continuously for more than one week at a time or for more than one week in any period of fourteen days.

Provided that, subject to the previous approval of the State Labour Commissioner or any authority appointed by the State Government in this behalf, the limit prescribed in this rule may be exceeded where special circumstances so require.

12. Interval preceding change of shift.—In the case of change of shift from night shift to day shift or *vice versa* there shall be an interval of not less than twenty-four consecutive hours between the two shifts and in the case of a change from one day shift to another day shift or from one night shift to another night shift there shall be an interval of not less than twelve consecutive hours:

Provided that no such interval may be allowed if such interval either coincides with, or falls within, the interval enjoyed by a working journalist under sub-section 6 of the Act.

CHAPTER IV—HOLIDAYS

13. Number of holidays in a year.—A working journalist shall be entitled to ten holidays in a calendar year.

14. Compensatory holidays.—If a working journalist is required to attend on a holiday, a compensatory holiday shall be given to him, within thirty days immediately following the holiday, on a day mutually agreed upon by him and his employer.

15. Wages for Holidays.—A working journalist shall be entitled to wages on all holidays as if he was on duty.

16. Wages for weekly day of rest.—A working journalist shall be entitled to wages for the weekly day of rest as if he was on duty.

CHAPTER V—LEAVE

17. Application for leave.—(1) A working journalist who desires to obtain leave of absence shall apply in writing to the appointed officer.

(2) Application for leave, other than casual leave, leave on medical certificate and quarantine leave, shall be made not less than one month before the date of commencement of leave, except in urgent or unforeseen circumstances.

18. Recording of reason for refusal or postponement of leave.—If leave is refused or postponed, the appointed officer shall record the reasons for refusal or postponement, as the case may be, and issue a copy of the order to the working journalist.

19. Affixing of holidays to leave.—Holidays, other than weekly days of rest, shall not be prefixed or suffixed to any leave without the prior sanction of the appointed officer.

20. Holidays intervening during the period of leave.—A holiday, including a weekly rest day, intervening during any leave granted under these rules shall form part of the period of leave.

21. Recall before the expiry of leave.—(1) A newspaper establishment may recall a working journalist on leave if that establishment considers it necessary to do so. In the event of such recall such working journalist shall be entitled to travelling allowance if at the time of recall he is spending his leave at a place other than his headquarters.

(2) The travelling allowance which shall be paid to a working journalist under sub-rule (1) shall be determined in accordance with the rules of the newspaper establishment governing travelling allowance for journeys undertaken by working journalists in the course of their duties.

22. Production of medical certificate of fitness before resumption of duty.—A working journalist who has availed himself of leave for reasons of health may be required to produce a medical certificate of fitness from an authorised medical practitioner before he resumes duty.

23. Designation of authorised medical practitioner.—Every newspaper establishment shall designate one or more registered medical practitioners as authorised medical practitioners for the purpose of these rules.

24. Earned leave.—(1) A working journalist shall be entitled to earned leave on full wages for a period not less than one month for every eleven months spent on duty:

Provided that he shall cease to earn such leave when the earned leave due amount to ninety days.

(2) The period spent on duty shall include the weekly days of rest, holidays casual leave and quarantine leave.

25 Wages during earned leave.—A working journalist on earned leave shall draw wages equal to his average monthly wages earned during the period of twelve complete months spent on duty, or if the period is less than twelve complete months, during the entire such period, immediately preceding the month in which the leave commences

26 Cash compensation for earned leave not availed of.—(1) When a working journalist voluntarily relinquishes his post or retires from service on reaching the age of superannuation or when his services are terminated for any reason whatsoever, other than as a punishment inflicted by way of disciplinary action, he shall be entitled to cash compensation for earned leave not availed of upto a maximum of thirty days.

Provided that a working journalist, who had been refused earned leave due to him, or his heirs if he dies while in the service of the newspaper establishment, shall be entitled to cash compensation for earned leave so refused, or not availed of, as the case may be, upto the full extent of accumulation permitted under rule 24

(2) The cash compensation shall not be less than the amount of wages due to him for the period of earned leave not availed of, the relevant wage being that which would have been payable had he actually proceeded on leave on the day immediately preceding the occurrence of any of the events specified in sub-rule (1).

27 Leave on medical certificate.—(1) A working journalist shall be entitled to leave on medical certificate on one half of the wages at the rate of not less than one month for every eighteen months of service.

Provided that he shall cease to earn such leave when the leave on medical certificate amounts to ninety days.

(2) The medical certificate shall be from an authorised medical practitioner.

(3) Leave on medical certificate may be taken in continuation with earned leave provided that the total duration of earned leave and leave on medical certificate taken together shall not exceed a hundred and twenty days at one time.

(4) A working journalist shall be entitled at his option to convert leave on medical certificate on one-half of the wages to half the amount of leave on full wages

(5) The ceiling laid down in provisos to sub-rule (1) and sub-rule (3) on the accumulation and total duration of leave may be relaxed by the appointed officer in the cases of working journalists suffering from long lingering illness such as Tuberculosis

28 Quarantine leave.—Quarantine leave shall be granted by the newspaper establishment on the certificate of a medical or public Health Officer for a period not exceeding twentyone days, or, in exceptional circumstances, thirty days. Any leave necessary for quarantine purposes in excess of that period shall be adjusted against any other leave that may be due to him.

29 Extraordinary leave.—A working journalist who has no leave to his credit may be granted extra-ordinary leave without wages at the discretion of the newspaper establishment in which such working journalist is employed.

30. Leave not due.—A working journalist who has no leave to his credit may be granted at the discretion of the newspaper establishment in which he is employed leave not due.

31. Study leave.—A working journalist may be granted study leave with or without wages at the discretion of the newspaper establishment in which such working journalist is employed.

32. Casual leave.—(1) A working journalist shall be eligible for casual leave at the discretion of the newspaper establishment upto a maximum of fifteen days in a calendar year:

Provided that not more than five days leave shall be taken at any one time. Casual leave shall not be combined with any other leave.

(2) Casual leave not availed of during a calendar year will not be carried forward to the following year.

33 Wages during casual leave.—A working journalist on casual leave shall be entitled to wages as if he was on duty.

34. Appointment of Inspectors.—The State Government may by notification in the Official Gazette, appoint one or more Inspectors under the Act. It shall be the duty of every Inspector to ensure that the provisions of the Act and rules thereunder and the decisions if any, of a Wage Board constituted under the Act, are implemented in full by all Newspaper establishments within his jurisdiction. He may visit any newspaper establishment, and may make such enquiries and collect such information as he may consider necessary for the proper discharge of his duties.

FORM 'A'

Nomination form for payment of gratuity under section 5 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Rule 5(1)

1. Name (in block letters).....Surname (if any).....
2. Sex.....
3. Religion.....
4. Occupation.....
5. Father's name.....
6. Husband's name
(for married women only)
7. Marital Status.....
(whether bachelor, spinster, married, widow or widower)
8. Date of birth.....day.....month.....year.....
9. Permanent address:—

Village.....Thana.....District.....State.....

I hereby nominate the person(s) mentioned below to receive the amount of gratuity standing to my credit, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their name.

Name and address of the nominee or nominees	Nominee's relationship with the working journalist	Age of nominee of gratuity to be paid to each nominee	Amount of share the happening of which the nomination shall become invalid	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4	5

Dated.....

Signature of the working journalist.

Certified that above declaration has been signed by.....employed in.....(the name of the newspaper establishment to be given) before me after he has read the entries
the entries have been read over to him by

Dated.....

Signature of witness.....(1)

Dated.....

Signature of witness.....(2)

Dated.....

Signature of a responsible officer of the Newspaper establishment.

Designation.....

Name and address of the newspaper establishment.

FORM 'B'

Nomination form for payment of gratuity under Section 5 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Rule 5(5)

I.....hereby cancel the nomination made by me on the..... as regards the disposal in the event of my death of the amount of gratuity standing to my credit and hereby nominate the person(s) mentioned below to receive the amount of gratuity standing to my credit, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of the Nominee's relation- nominee or nominees ship with the working journalist	Age of the nominee	Amount share of gratuity to be paid to each nominee	Contingencies on the happening of which the nomination shall become invalid
1	2	3	4
			5

Dated.....

Signature of the working journalist

Certified that the above declaration has been signed before me by..... employed in.....(the name of the newspaper establishment to be given).

Dated.....

Signature of a responsible official of the
Newspaper establishment.

Signature of witness.....(1)

Designation.....

Dated.....

Signature of witness.....(2)

Name and address of the newspaper estab-
lishment.

Dated.....

[No. WJ/II/1/56]

P. S. EASWARAN, Dy. Secy.

